

CHAPTER 5—WORKING GROUP

PURPOSE

This chapter provides working group members with specific information to enable them to participate effectively in the Aviation Rulemaking Advisory Committee (ARAC) process.

WORKING GROUP ORGANIZATION

Definition of a working group

A working group is a group of individuals who are selected to complete a specific task. The working group acts as staff to ARAC. Harmonization working groups act as staff to ARAC and the Joint Aviation Authorities (JAA).

A working group includes—

- The working group chair,
- A Federal Aviation Administration (FAA) representative,
- Individuals from ARAC member and non-ARAC member organizations, and
- Interested individuals from the general public.

A working group chair provides administrative oversight of each working group. However, the working group reports directly to the assistant chair of the issue area it is under. In the case of a working group that reports directly to the Executive Committee, the working group reports directly to the ARAC chair.

See chapter 6 for information on harmonization working groups.

Selecting the working group chair

The working group chair may be an individual from an ARAC member or non-ARAC member organization, or the interested public.

The working group chair must—

- Be a technical expert in the specific task area.
- Possess meeting facilitation skills.
- Be capable of organizing and leading the working group.
- Be available to meet the duties and responsibilities of the position.

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Selecting the FAA representative

The FAA representative should be from the FAA office of primary responsibility that requested the subject matter be tasked to ARAC.

See chapter 7 for more information on the FAA's role in the working group.

Selecting the working group members

Any interested individual may petition to become a member of a working group.

Each working group member should be selected based on his or her—

- Technical expertise in the task area, and
- Availability to participate fully in working group activities.

In addition, working group members—

- Should be diverse and represent a balanced selection of the aviation industry capable of providing a thorough examination of the issues in the completion of the assigned task.
- Can represent non-ARAC members.
- Should be selected from interested parties, such as aviation-related manufacturers, operators, associations, unions, and public interest and advocacy groups; airports; air traffic services; and the general public, who petitioned in response to the Federal Register notice to be a working group member.

Note: There is no restriction on the number of individuals who may serve on a working group; however, a working group should consist only of individuals who participate fully in working group discussions and should be limited to a manageable number.

Adding a working group member

After the working group has been established, new members may be added using the following steps.

- Step 1.** An interested person petitions the assistant executive director (or executive director, as appropriate)—
 - Indicating a desire to participate in a working group.
 - Describing the expertise he or she would bring to the working group.
- Step 2.** The working group chair, assistant executive director, and assistant chair (or executive director and ARAC chair, as appropriate)—
 - Determine the balance of expertise on the working group.
 - Assess whether that person should be added to the working group.
- Step 3.** The assistant executive director (or executive director, as appropriate) responds with a letter indicating acceptance or denial of membership.

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Step 4. When a new member is added to the working group, the new member is expected to cooperate in restricting his or her participation to only those new items being discussed and to avoid discussing items previously agreed on and closed out by the working group.

Note: If a working group member leaves the working group, a replacement may be added from the same organization as the exiting member without submitting a letter. The working group chair approves the replacement.

Inviting someone to a working group meeting

From time to time, working groups may need information not obtainable from working group members. As a result, when appropriate and with the approval of the working group chair, a working group member may invite persons other than working group members to speak directly to a working group, participate in its discussions, and act in a consultant capacity. However, these invited persons are not members of the working group and may not participate in reaching consensus.

WORKING GROUP RESPONSIBILITIES

Working group chair

The following table describes the working group chair's responsibilities:

Administrative	Working Group Formation Phase	Work Plan/Concept Paper and Recommendation Development Phases
<ul style="list-style-type: none"> • Ensures the working group contains a balanced diversity of members who will contribute to the final product and team success. • Establishes and maintains an optimum working group size to provide expertise and industry interest necessary to achieve informed consensus and ensure success. • Removes inactive, nonparticipating, or disruptive members. • Enforces the ground rules adopted by the working group. • Selects working group meeting locations to minimize working group member costs. • Arranges working group meetings that require attendance by the attorney and/or economist within the 48 contiguous States of the United States, when possible. • Sets tentative meeting dates (typically 30 days in advance) to reduce work conflicts and maximize working group member participation. • Advises the Office of Rulemaking (typically 30 days in advance) of the working group meeting times for inclusion in the ARAC Web site. 	<ul style="list-style-type: none"> • For working groups reporting to an issue area, works with the assistant chair and assistant executive director to select working group members and establish an optimum working group size to provide expertise and industry interest necessary to complete the task. • For working groups reporting to the Executive Committee, works with the ARAC chair and executive director to select working group members and establish an optimum working group size to provide expertise and industry interest necessary to complete the task. • Schedules the initial working group meeting. • Schedules the ARAC briefing during the initial working group meeting. • Establishes the task group, as appropriate, to accomplish a task. 	<ul style="list-style-type: none"> • Ensures the working group considers all viewpoints, relevant background material, suggestions, and ideas. • Establishes task groups, as appropriate. • Participates as a member of the working group during deliberations to reach consensus unless another representative from his or her organization is on the working group to represent the organization's viewpoint. • Ensures all working group members have a clear understanding of the task and scheduled completion date. • Ensures the working group develops and strives to reach consensus on a work plan, concept paper, and recommendation document. • Ensures minority positions are presented for each work plan, concept paper, and recommendation document when presented. • Ensures, in coordination with the FAA representative, that the attorney and economist concur with the work plan, concept paper, and recommendation document.

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Working group chair (continued)

Administrative	Working Group Formation Phase	Work Plan/Concept Paper and Recommendation Development Phases
<ul style="list-style-type: none"> • Develops an agenda and distributes it to each working group member before each working group meeting. • Transmits a written status report to the assistant chair (or ARAC chair, as appropriate) if the report is to be distributed to ARAC members at the issue area or Executive Committee meeting. • At each issue area meeting (or Executive Committee meeting, as appropriate), assists the assistant chair by reporting on— <ul style="list-style-type: none"> ▪ The working group’s progress, ▪ Decisions reached, ▪ Follow-on actions needed, ▪ The schedule, and ▪ Issues remaining to be resolved. • Ensures meeting notes are taken, motions are discussed, and consensus is reached and recorded. If consensus cannot be reached, documents minority opinions. • Maintains working group records. • Coordinates with other working group chairs to ensure there is no duplication of efforts or conflict of concepts. • Ensures there is consistency between the documents being prepared for the FAA and the JAA, when appropriate. 		<ul style="list-style-type: none"> • Presents the working group’s work plan, concept paper, and recommendation document to the issue area (or Executive Committee, as appropriate) for acceptance. • Requests drafting support from the assistant chair (or ARAC chair) at the appropriate stage in deliberations. • Promotes collaboration, ensures progress toward consensus is being achieved, and resolves conflicts. • Obtains informal legal or economic guidance through the FAA representative, and advises the assistant chair (or ARAC chair) as soon as he or she is aware of the target date the formal legal or economic support will be required. • Works directly with any FAA-supplied contractor providing drafting support. • Ensures the working group drafts the proposed recommendation document. • Ensures adequate alternatives are considered and documents the selection or nonselection of alternatives. • Ensures each proposed recommendation document submitted to ARAC for acceptance is a complete package. (See appendix D for more information.)

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Working group member

Each working group member—

- Attends working group meetings.
- Contributes his or her respective aviation knowledge and expertise to the tasks assigned to the working group.
- Coordinates with his or her constituents to gain their input early in the process.
- Actively represents his or her organization's viewpoints.
- Prepares the work plan, concept paper, and recommendation documents.

WORKING GROUP PROCESS—WORKING GROUP CHAIR

Overview

The working group chair participates in the ARAC process as follows:

Phase	Action
Task phase	When the Federal Register notice is published, determines whether the working group wants to participate. If so, responds to the Federal Register notice.
Working group formation phase	Reviews responses to Federal Register notice by interested individuals. Selects working group members. Schedules the initial working group meeting.
Work plan/concept paper phase	Schedules and arranges working group meetings. Contacts the assistant chair to secure time on the issue area's next public meeting agenda to present the work plan and concept paper. Provides the assistant chair a copy of the work plan and concept paper. Presents the work plan and concept paper to ARAC for acceptance. Provides the assistant chair with status updates on the working group's activities.
Recommendation development phase	Notifies the assistant chair (or Executive Committee) of a need for drafting support. Notifies the assistant chair of the need for economic and legal support. Contacts the assistant chair to secure time on the issue area's next public meeting agenda to present the recommendation document. Provides the assistant chair a copy of the recommendation document. Presents the recommendation document to ARAC for acceptance.
FAA action phase	Takes no action.

Task phase

In the task phase, interested individuals respond to the Federal Register notice announcing an ARAC task.

Working group formation phase

Selecting working group members

The working group chair, along with the assistant executive director and the assistant chair (or executive director and ARAC chair, as appropriate), selects working group members by reviewing the list of interested individuals who petitioned in response to the Federal Register notice to be a working group member. Using the criteria listed below, the ARAC chair, in consultation with the assistant executive director and assistant chair, selects individuals from the list ensuring the working group has a balanced membership.

Each working group member should be selected based on his or her—

- Technical expertise in the task area and
- Availability to fully participate in working group activities.

In addition, working group members—

- Should include a diverse and balanced representation of the aviation industry capable of providing a thorough examination of the issues in the completion of the assigned task.
- Do not need to be representatives of any of the ARAC member organizations represented on the full committee.

Planning the initial working group meeting

After the working group members are selected, the working group chair—

- Establishes the date, time, and location of the initial working group meeting.
- Contacts the Office of Rulemaking transportation industry analyst or directorate technical writer/editor to provide the date, time, and location of the initial working group meeting for the ARAC Web site.
- Notifies the working group members, by electronic mail or in writing, of the date, time, and location of the initial working group meeting.
- Requests that the Office of Rulemaking brief the working group on ARAC procedures at the initial meeting.

Work plan/concept paper phase

Conducting the initial working group meeting

The working group is briefed by the Office of Rulemaking during the initial working group meeting regarding the—

- Duties, responsibilities, and requirements of the working group chair and the working group, and
- ARAC process.

Preparing the completed work plan and concept paper for presentation

After the working group develops the work plan and concept paper, the working group chair—

1. Contacts the assistant chair (or ARAC chair, as appropriate) and secures a time on the issue area's (or Executive Committee's, as appropriate) next public meeting agenda to present the work plan and concept paper. The working group chair may coordinate this informally by electronic mail or fax.
2. Provides the assistant chair (or ARAC chair, as appropriate) with the work plan and concept paper for distribution to all issue area members (or the Executive Committee, as appropriate) for review at least 30 days before the meeting.
3. Ensures the Federal Register notice announcing the public meeting includes presentation of the work plan and concept paper.
4. Ensures copies of the work plan and concept paper are made available for advance distribution as requested (other than those individuals mentioned in item 2 above).
5. Ensures the internal team members are invited to attend the ARAC issue area public meeting.

Presenting the work plan and concept paper

At the ARAC public meeting, the working group chair—

- Presents the working group's work plan and concept paper to the issue area (or Executive Committee, as appropriate) for acceptance.
- Answers questions from the issue area members (or Executive Committee, as appropriate) and/or any interested members of the public in attendance.
- Provides status updates on the working group's activities.

Recommendation development phase

Obtaining support services

The working group chair notifies the assistant chair (or ARAC chair, as appropriate) to arrange for drafting, legal, and economic support.

If the FAA provides drafting support, the working group chair gives the document drafter any supporting documentation for use in writing the draft document, such as—

- Notes,
- Suggestions,
- Decisions made,
- Consensus reached, and
- The justifications for each decision, any alternatives considered, and action recommended.

Preparing the recommendation document for presentation

After the working group develops a recommendation document, the working group chair—

- Contacts the assistant chair (or ARAC chair, as appropriate) and secures time on the issue area's (or Executive Committee's, as appropriate) next public meeting agenda to present the recommendation document.
- Provides the assistant chair (or ARAC chair, as appropriate) with the recommendation document for distribution to all issue area members (or the Executive Committee, as appropriate) for review at least 30 days before the meeting.
- Ensures the Federal Register notice includes presentation of the recommendation document in the agenda.
- Ensures copies of the recommendation document are made available for advance distribution as requested.

Presenting the recommendation document

At the ARAC public meeting, the working group chair—

- Presents the working group's recommendation document to the issue area (or Executive Committee, as appropriate) for acceptance.
- Answers questions from the issue area members (or Executive Committee, as appropriate) and any interested members of the public.

WORKING GROUP PROCESS—WORKING GROUP MEMBER

Overview

Working group members participate in the ARAC process as follows:

Phase	Action
Task phase	As potential working group members, respond to the Federal Register request for individuals interested in participating in the working group.
Working group formation phase	Confirm intent to participate on working group once notified of selection.
Work plan/concept paper phase	Attend meetings. Develop the work plan and concept paper.
Recommendation development phase	Develop the recommendation document. Reach consensus on the draft recommendation document. Accept the final document.
FAA action phase	Take no action.

Task phase

In the task phase, interested individuals respond to the Federal Register notice announcing an ARAC task and the formation of a working group or to an FAA outreach effort.

Working group formation phase

During the working group formation phase, the FAA representative notifies individuals of their selection or nonselection as working group members.

Work plan/concept paper phase

Briefing working group members at an initial working group meeting

At the initial meeting of the working group, working group members are briefed by the Office of Rulemaking on the ARAC process and the duties and responsibilities of each working group member.

Developing a work plan

A work plan—

- Describes the method the working group is going to use to complete an assigned task.
- Details what the working group has to do and how it is going to do it.

The work plan includes—

- The task statement,
- The issues to be resolved,
- Individual task group assignments,
- A schedule, and
- Common ground rules by which the working group will function.

A working group may not modify a task statement. Only the FAA may make changes to a task statement. If the task is not clear, the working group addresses the assistant chair (or ARAC chair, as appropriate) for resolution of any questions about the task not answered by the working group chair, to the satisfaction of all members. The working group chair relays these questions to the assistant chair (or ARAC chair, as appropriate.) All working group members must have a thorough understanding of the task to proceed.

Note: If the FAA approves a task modification, the composition of the working group may have to change to include additional individuals with appropriate expertise for the new task. Also, the modification must be published in the Federal Register.

Beginning a Task

The working group—

- Develops the work plan.
- Breaks down its task into composite issues and identifies the request.
- Addresses the individual issues separately.
- Explores all options.
- Identifies who will be affected by any recommendations.
- Addresses any concerns of the affected individuals.

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Forming a task group

The working group may form task groups, which are subgroups within the working group, to solve individual issues.

The working group—

- Identifies task group assignments.
- Assigns individual tasks.
- Records assignments in the work plan.
- Reviews and accepts all completed assignments.

A task group—

- Provides a report to the working group.
- Disbands when all assignments are complete.

Gathering information to create the working group schedule

A working group schedule—

- Contains the working group's goals and milestones.
- Helps the working group assess its progress.
- Allows for completion of the task by the FAA-imposed deadline.

Note: The working group records the schedule and distributes it to each member of the working group for planning purposes.

When developing the schedule, the working group considers—

- The availability of its members;
- The frequency, duration, and location of meetings;
- The milestone due dates;
- The project flow, critical paths, and unavoidables; and
- A realistic time to accomplish assignments and milestones leading to task accomplishment.

Developing the concept paper

To develop a concept paper, the working group—

- Decides what the desired outcome is.
- Decides how to accomplish that outcome.
- Identifies the issues to be addressed in the recommendation document.
- Documents the reasons for all decisions.
- Coordinates the concept paper with industry issue area members and internal team members.
- Raises valid alternatives.

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The working group should follow the steps listed below in developing its concept paper.

Step 1. Decide its desired outcome by—

- Determining the best way to address the issues it has to resolve.
- Taking into account that not all tasks require rulemaking action; some tasks may require developing an advisory circular, technical report, or training program. (See appendix D for further information on the types of recommendation documents.)
- Considering all alternatives before deciding how to address the issues.

Step 2. Narrow the issues so it can be determined which issues—

- May be disposed of outside the scope of its recommendation document.
- Need to be addressed in its recommendation document.

Step 3. Document and explain the reasons for each of the group's decisions.

The working group must—

- Document the logic behind a particular choice it made during its concept briefing.
- Include in the justification discussion any objections to the approach taken.

Coordinating the concept paper

The working group coordinates its concept paper with the assistant chair (or the Executive Committee, as appropriate)—

- Throughout the development of the concept paper,
- During the working group's discussions, and
- During development of the recommendation document.

The working group should provide the issue area members (or the Executive Committee, as appropriate) with reports on—

- The decisions made and
- Any objections raised.

Preparing the concept briefing

After coordinating the concept paper, the working group prepares a concept briefing. A concept briefing—

- Discusses the working group's proposed ideas in detail.
- Serves as the outline for the recommendation document when accepted by the issue area (or the Executive Committee, as appropriate).

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Presenting the work plan and concept paper

After the working group develops a work plan and concept paper, the working group chair presents the work plan and concept paper to its issue area (or the Executive Committee, as appropriate) for acceptance at a public meeting.

Note: ARAC must accept a working group's work plan and concept paper before the working group continues to work on the task.

If a work plan and/or concept paper is not accepted, the working group—

1. Reconvenes.
2. Addresses any objections.
3. Adjusts the work plan and/or concept paper for resubmission.
4. Presents the work plan and/or concept paper to the issue area (or the Executive Committee, as appropriate) within the established timeframe.

When an issue area (or the Executive Committee, as appropriate) accepts a work plan and concept paper, the working group is assured that—

- ARAC understands the task.
- The methodology planned is consistent with the desires of ARAC.
- The work done will end in a recommendation to ARAC that addresses the assigned task.

After the issue area (or the Executive Committee, as appropriate) accepts the working group's work plan and concept paper, the working group develops the actual recommendation document.

Recommendation development phase

Developing the recommendation document

The working group—

- Identifies any discussions to include in the recommendation document.
- Assembles documentation of its decisions.
- Reaches consensus and accepts the type of recommendation document.
- Drafts any additional regulatory language, if applicable.
- Drafts the appropriate recommendation document. (See appendix D.)
- Reaches consensus on the draft recommendation document.

See chapter 8 for information on reaching consensus.

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Obtaining working group consensus

Consensus—

- Is agreement by all parties that a specific course of action is acceptable.
- Requires debate and deliberation between divergent segments of the aviation industry, the public, and the Government.
- Does not mean that majority rules. Consensus can be unanimous or near unanimous.

Note 1: It is important to reach consensus in every phase of the ARAC process because introduction of disagreement in later phases is counterproductive to ARAC’s objectives and extremely costly to the FAA rulemaking process.

See chapter 8 for more information on consensus.

Note 2: When there are participants at the meeting who do not have decisionmaking privileges, only working group members may participate in reaching consensus. The “observers” may offer positions differing from the working group’s general consensus. In that case, the working group should report consensus with a note describing the other views.

Each working group should establish a process by which it determines if the working group has reached consensus. Voting is discouraged, but polling may be used to determine the level of consensus.

Obtaining support services

The working group may get help from the FAA to develop the recommendation document. To do this, the working group chair contacts the assistant chair to request drafting support. The assistant chair contacts the Office of Rulemaking transportation industry analyst who may help the working group draft the recommendation document, or the Office of Rulemaking may assign a contractor to help the working group. An FAA attorney may be asked to review draft regulatory language to ensure the working group’s proposed action is legal.

Drafting support helps the working group ensure its recommendation document—

- Is properly written.
- Is in the required format.
- Complies with FAA legal requirements.
- Is fully justified.

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After ARAC approves the recommendation document and a pre-legal review is done, an economic evaluation and review are required. The assistant chair requests a rulemaking project record be submitted for an economist to complete the evaluation, and the following process occurs:

- Step 1.** The FAA representative ensures the working group receives a copy of the economic evaluation developed by the economist and any legal comments.
- Step 2.** If the working group has concerns or problems with the economic evaluation or the pre-legal review, the FAA representative invites the economist and attorney to the next meeting to resolve the issues.
- Step 3.** After the working group reviews the economic evaluation, a summary is inserted into the proposed rule preamble.

Presenting the recommendation document

After the working group reaches consensus on its recommendation document, the working group chair submits the recommendation document to the issue area (or the Executive Committee, as appropriate) at a public meeting for discussion and deliberation by the issue area (or Executive Committee, as appropriate).

WORKING GROUP CHAIR AND WORKING GROUP MEMBER COMMUNICATION PROTOCOL

Working group chair

Person to Contact	How to Contact That Person
Issue area member	Contact each member directly, in consultation with the assistant chair. Note: Keep the assistant chair informed of working group progress and problems. At times, this means communicating beyond the status reports given at the issue area public meetings.
Executive Committee member	Contact the ARAC chair.
The FAA	Contact any FAA employee directly, in consultation with the FAA representative. Contact the Office of Rulemaking transportation industry analyst or directorate technical writer/editor directly, as appropriate, to update information regarding meeting location and times or other relevant information.

Working group members

Person to Contact	How to Contact That Person
Issue area member	Contact the working group chair, who in turn will contact the assistant chair.
Executive Committee member	Contact the working group chair, who in turn will contact the assistant chair.
The FAA	Contact the FAA representative, in consultation with the working group chair.

RECORDKEEPING

Maintaining working group records

Each working group maintains records of working group meetings. The working group chair maintains—

- A list of meeting attendees,
- A chronology of all meetings,
- Deliberations on all decisions, and
- Working drafts of reports prepared by the working group.

Making records available

Working group products and/or recommendation documents are available to the public but are not made available for public inspection and copying until they are finalized and included for discussion on the agenda for an issue area public meeting (or Executive Committee meeting, as appropriate), unless the FAA determines the records are exempt under the Freedom of Information Act (FOIA).

Upon a request that reasonably describes the records, the FAA must make records available. These records are made available in accordance with published rules unless the records fall within one of the nine exemptions under FOIA. Any working group information in the custody and control of the FAA is releasable to the public under FOIA unless it falls within one of the nine statutory exemptions, regardless of whether it has been passed onto ARAC. These records are made available on the ARAC Web site at <http://www.faa.gov/avr/arm/index.htm>.

Note: The working group must be aware of the type of information it gives the FAA representative. For example, if manufacturers share sensitive data with the working group members, the FAA representative may look at it and discuss the data during the meeting without the information being subject to a FOIA request. If the FAA representative takes possession of the information upon leaving the meeting and uses the information in performance of his or her duties, then the working group information is releasable under FOIA. If the FAA representative needs data to complete a working group assignment, the working group should make sure the data it gives to the FAA representative are in a form or format that would be releasable under FOIA. Proprietary data or data in which the identity of the source is sensitive should be marked out or removed before the FAA representative takes possession of the documents. (See FOIA, section 552 of Title 5 of the United States Code.)